

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,  
Plaintiff,

v.

Case No. \_\_\_\_\_

TRIAL BY JURY DEMANDED

BRADLEY J. GETZ,  
in his official and individual capacities,  
RICHARD H. D'AMBROSIA,  
in his official and individual capacities,  
ROBERT EVANCHICK, in his official  
and individual capacities,  
PENNSYLVANIA STATE POLICE,  
MALACHY EDWARD MANNION,  
in his official and individual capacities,  
WILLIAM I. ARBUCKLE,  
in his official and individual capacities,  
PENNSYLVANIA BAR ASSOCIATION,  
THE UNIFIED JUDICIAL SYSTEM  
of PENNSYLVANIA, THOMAS G. SAYLOR,  
in his official and individual capacities, and  
PHILIP CARL PETRUS, in his official  
and individual capacities,  
RICHARD CHARLES CLINK, in his official  
and individual capabilities,  
THOMAS B. DARR, in his official  
and individual capabilities,  
and the ADMINISTRATIVE OFFICE OF THE  
PENNSYLVANIA COURTS, (AOPC) ~~in his official~~  
~~and individual capabilities,~~ 57C. § 1712018

Defendants.

Plaintiff's Original Complaint

Plaintiff's Original Complaint

1. TAKE JUDICIAL COGNIZANCE of the following:

a. Edward Thomas Kennedy, Plaintiff, is one of the people of Pennsylvania, and in this court of record, wishes and demands individual defendants, and/or their counsel, to reply and testify, affirm, and/or declare under penalty of perjury to this complaint. Through the courts, Plaintiff Kennedy encourages the government to obey the law.

b. Kennedy objects to the latin slang phrase "pro se" and requests CM/ECF access.

c. Plaintiff Kennedy hereby wishes and demands defendants reply and testify, affirm, and/or declare under penalty of perjury, and provide certified copies of their Oaths, Bonds of Office, Commissions, Answers to Questionnaires and Financial Disclosures.

d. Defendants Saylor, Mannion, and Arbuckle, according to the The Unified Judicial System of Pennsylvania website, hold no professional liability insurance. Plaintiff wishes the Court to Order these Defendants to post Bonds to cover their official and individual liability exposure in this Complaint as stated herein.

e. Plaintiff says Defendant public officials Saylor, Mannion and Arbuckle (probably) obstructed justice in these matters by their failure to respond to Kennedy's complaints, and by the Mannion/Arbuckle "Order," found at Exhibit 5. Mannion and Arbuckle ignore federal rules of procedure that shall be construed and administered to secure the just, speedy, and inexpensive determination of Kennedy action.

f. Plaintiff Kennedy was injured by militarized Pennsylvania police officers when Defendants and other police officers appeared at this bedroom door with weapons and threatened to injure him with deadly force with no lawful authority.

g. Plaintiff Kennedy believes this complaint is unique and distinct.

h. Defendant police officers had no lawful authority or jurisdiction to threaten Kennedy with weapons at his second floor bedroom.

i. Defendant police officers had no lawful bench warrant.

j. Joseph N. Hanna, County of Lehigh Sheriff, has no lawful Bond of office or Commission in his full legal name, had no lawful authority or jurisdiction to threaten Kennedy with weapons at his second floor bedroom.

k. Agencies and employees of the Commonwealth of Commonwealth continue to use deadly force against we the people. For example, Joseph Santos' murder in cold blood by a militarized Pennsylvania police officer occurred less than 10 miles from the Plaintiff's bedroom door on July 28, 2018.<sup>1</sup>

l. Defendant Saylor and the Pennsylvania BAR Association Attorneys at the Unified Judicial System of Pennsylvania ignored Kennedy's Complaint of official misconduct.

## JURISDICTION AND VENUE

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<sup>1</sup> Fatal police shooting of Joseph Santos was 'not justified,' <https://www.pbs.org/newshour/nation/fatal-police-shooting-of-joseph-santos-was-not-justified-officials-say-heres-what-we-know>

2. This Complaint is a federal question matter, and this court of record has jurisdiction. Plaintiff was injured in this district by defendants in this district, and by law, by common sense and by right, Plaintiff is entitled to damages for injuries.

#### FIRST CAUSE OF ACTION – TRESPASS

#### PARTIES

3. Edward Thomas. Kennedy, (hereinafter "Kennedy") is one of the people of the Pennsylvania, and in this court of record complains of each of the following: Robert Evanchick, in his official and individual capacities, Bradley J. Getz, in his official and individual capacities,<sup>2</sup> Richard H. D'ambrosia,<sup>3</sup> in his official and individual capacities, Pennsylvania State Police, William I. Arbuckle, in his official and individual capacities, Pennsylvania BAR Association, Thomas G. Saylor, in his official and individual capacities, Malachy Edward Mannion, in his official and individual capacities, the Unified Judicial System of Pennsylvania, by Philip Carl Petrus in a court of the Defendant Unified Judicial System of Pennsylvania in Frackville, Pennsylvania, by Richard Charles Clink in a court of the Defendant Unified Judicial System of Pennsylvania in Port Carbon, Pennsylvania, Thomas B. Darr, in his official and individual capacities, and the Administrative Office of Pennsylvania Courts (AOPC), hereinafter "Kidnapper," and all collectively "Kidnappers" who are each summoned to answer and declare under penalty of perjury the said in a plea of

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<sup>2</sup> Defendant Bradley J. Getz is Lieutenant at 8320 Schantz Road, Breinigsville, PA 18031.

<sup>3</sup> Defendant Richard H. D'Ambrosio is Captain at 2930 Airport Road, Bethlehem, PA 18017-2149.

trespass, trespass on the case, trespass on the case - vicarious liability, failure to provide a republican form of government, and intentional infliction of emotional distress, to wit:

#### INTRODUCTION

4. Each Kidnapper exceeded their jurisdiction by either directly, through an agent, or in concert with another did cause Kennedy to be unlawfully injured against his will, without jurisdiction or good cause. Said Kidnappers, without good cause, harmed Kennedy. From the moment he was harmed till the present, Kennedy, under color of law, was kept in constructive imprisonment. Although he objected to the assumed jurisdiction, those who kept him financially imprisoned under color of law did not respond to any of his demands and requests for proof of jurisdiction or for reinstatement of his liberty or the return of stolen property from Kennedy. They continued to assume the jurisdiction without proof of jurisdiction or any attempt at proof of jurisdiction. Kennedy continues to be subject, under color of law, to the assumed jurisdiction, will and control of the Kidnappers.

#### SPECIFICS

5. Each defendant acted in such a way, or failed to act in such a way, that Kennedy is deprived of his liberty. Each defendant acted to deprive Kennedy of his liberty; or each defendant failed to act to prevent the loss by Kennedy of his liberty. Further, each defendant is a willing participant in concert with each of the remaining defendants.

6. At all times mentioned in this action each defendant is the agent of the other, and in doing the acts alleged in this action, each is acting within the course and scope of said agency. The following paragraphs describe what the Kidnappers, under color of law, either acted or failed to act as obligated.

7. Each defendant exceeded his jurisdiction under color of law. Each defendant acted in concert with the remaining defendants to affect the unlawful loss of liberty of Kennedy. Defendants lied under oath in documents and records provided to Kennedy.

8. Kennedy involuntarily was brought before a court not of record and not a nisi prius court. Kennedy objected to the jurisdiction of the court. Saylor, Evanchick, Mannion, Arbuckle, Richard Charles Clink and Petrus ignored Kennedy's Common law petition to vacate a void judgement.

9. Defendants ignored Kennedy's objections, and proceeded under color of law.

10. Defendants have a duty to not cause Kennedy to be harmed under color of law, to not cause loss of liberty.

11. Further, defendants have a duty to prove jurisdiction when objection to jurisdiction is asserted.

12. Defendants have breached that duty.

13. The damages for the injury caused by defendants' actions are \$1,000 for each day of unlawful behaviors for each defendant, or \$1,000,000.00, whichever is greater;

14. The damages for the injury caused by defendant's' absence of required action is \$5,000 for each failure to act for each defendant, or \$5,000,000.00, whichever is greater;

#### SECOND CAUSE OF ACTION – TRESPASS ON THE CASE

15. Paragraphs 1 through 14 are included by reference as though fully stated herein.

16. By right, Kennedy reasonably expects to proceed without injury, secure in his capacities. By right, Kennedy reasonably expects to exercise his right to liberty.

17. Defendants have a legal duty to use due care and not cause an injury to Plaintiff Kennedy or interfere with said rights in any way.

18. Defendants breached that duty by proximately or legally, directly and indirectly, causing the injuries to Plaintiff Kennedy in the following occurrences:

a. by Saylor, Mannion and Arbuckle by breach of fiduciary duty and probable obstruction of justice;

b. by Getz and others on June 2, 2017 at 401 Tillage Rd., Breinigsville, Pennsylvania, 18031

c. kidnapped on August 28, 2018 by defendants,

d. imprisoned on August 28, 29 and 30, 2017 in Lehigh County and Schuylkill County, Pennsylvania jails,

e. by Petrus in a court of the Defendant Unified Judicial System of Pennsylvania in Frackville, Pennsylvania.

f. by Clink in a court of the Defendant Unified Judicial System of Pennsylvania in Port Carbon, Pennsylvania.

19. The damages claimed are all a result of the injuries.

### THIRD CAUSE OF ACTION – TRESPASS ON THE CASE -VICARIOUS LIABILITY

20. Paragraphs 1 through 19 are included by reference as though fully stated herein.



21. Power is never without responsibility. And when authority derives in part from Government's thumb on the scales, the exercise of that power by private persons becomes closely akin, in some respects, to its exercise by Government itself.

22. The purpose of imposing vicarious liability is to insure the costs of injuries resulting from defective actions are placed on the source of the actions and others who make the actions possible rather than on injured persons who are powerless to protect themselves. For a defendant to be vicariously liable it must play an integral and vital part in the overall production and promotion activity so that the actor is in a position to affect others or, at the very least, it must provide a link in the chain of exposing the ultimate victim to the actor. The vicariously liable defendant must be in the business of controlling, leasing, bailing, or licensing the actors.

23. Each defendant is an agent of the other, and each has his place in the chain of exposing plaintiff Kennedy to the actors. Each defendant is vicariously liable for each instance of injury to plaintiff.

#### FOURTH CAUSE OF ACTION – FAILURE TO PROVIDE A REPUBLICAN FORM OF GOVERNMENT

24. Paragraphs 1 through 23 are included by reference as though fully stated herein.

25. Kennedy wishes Defendants to not breach their fiduciary duty to Kennedy. Defendant Thomas G. Saylor refused to provide Kennedy a Republican form of government<sup>4</sup> evidenced by the fact he refused Kennedy's certified letter requesting said

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<sup>4</sup> Defendant Saylor claims to be King and makes judgements from the "King's Bench."

form of government.<sup>5</sup> Kennedy accuses Saylor with a cover up the facts of this case and official misconduct by state prosecutors.

26. Although the United States signed the legally binding United Nations Convention Against Corruption in December 2005, Plaintiff was injured by defendants with kidnapping, arrests, imprisonment in two Commonwealth of Pennsylvania jails, and forced solitary confinements.

27. The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4). No state may join the United States unless it is a Republic. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority.

28. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy. The business model of Defendants Pennsylvania State Police, The Unified Judicial System of Pennsylvania and Pennsylvania BAR Association is based on a foundation of deceptions, lies and fraud and no transparency, in violation of the law of his case, law, tradition, common sense and our culture.

29. The damages claimed are all a result of the injuries.

#### FIFTH CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

30. Paragraphs 1 through 29 are included by reference as though fully stated herein.

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<sup>5</sup> May 7, 2018, 9:49 am Refused. Harrisburg, PA 17105, Source: USPS website, USPS Postmaster and Exhibit 5.



31. Defendants intentionally inflicted emotional distress on the plaintiff.

32. The damages claimed are all a result of the injuries.

#### LAW OF THE CASE

33. Exhibit "1" is incorporated by reference as though fully stated herein, and the Federal Rules of Civil Procedure are the rules of the above entitled court. The rules shall be construed and administered to secure the just, speedy, and inexpensive determination of this action.

#### REQUEST FOR RELIEF

34. For that cause of action therefore Plaintiff brings his suit.

35. WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as follows:

On all causes of action:

36. For general damages in the sum of \$1,000 for each day of unlawful behaviors for each defendant, or \$1,000,000.00, whichever is greater;

37. For damages for the injury caused by defendant's' absence of required actions of \$5,000 for each failure to act; or \$5,000,000.00, whichever is greater;

38. That the court enter a declaratory judgment that defendants have acted arbitrarily and capriciously, have abused their discretion and have acted not in accordance with law, but under color of law;

38. That the court order all the Kidnappers to expunge all their records of Kennedy's name, his fines, tickets, and all other records, and return all fines from all cases to Kennedy;

39. That the court order Thomas B. Darr and the Administrative Office of Pennsylvania Courts (AOPC) to return the value of all bonds created in these matters in this case and that these said bonds be given to Kennedy;

40. For interest as allowed by law;

41. For costs of suit incurred;

42. That the court grant to Kennedy his lawyer fees and other related direct and indirect costs;

43. That the court grant such, other and further relief as the court deems proper;


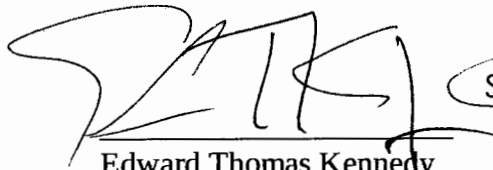
44. That the court Order punitive damages, to be determined at trial, upon lawful motion;

45. That the court Order each Defendant to compensate Kennedy \$1,000,000.00 for injury and damages under the Fourth Cause of Action – Intentional infliction of emotional distress.

46. That if the court finds Defendant Saylor to be King, Plaintiff wishes an Order for and to Saylor to register with the United States government as a foreign agent;

47. I, Edward Thomas Kennedy, declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

Date: August 17, 2018.



Edward Thomas Kennedy  
401 Tillage Road  
Breinigsville, Pennsylvania  
Phone: 415-275-1244.  
Email: pillar.of.peace.2012@gmail.com  
Fax: 570-609-1810.

Attachments:

- Exhibit 1 Law of the case.
- Exhibit 2 No Lawful Bench Warrant.
- Exhibit 3 No Bond or Oath by Hanna in his true legal name.
- Exhibit 4 Saylor Refused Letter and Complaint.
- Exhibit 5 Order by Arbuckle and Mannion.

## Exhibit 1

### Attachments:

- ✓ Exhibit 1 Law of the case.
- Exhibit 2 No Lawful Bench Warrant.
- Exhibit 3 No Bond or Oath by Hanna in his true legal name.
- Exhibit 4 Saylor Refused Letter and Complaint.
- Exhibit 5 Order by Arbuckle and Mannion.

## Exhibit 1 LAW OF THE CASE

### LAW OF THE CASE

1. Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law. (See the use of dictionaries in the Supreme Court of the United States, by Kevin Werbach Looking It Up: The Supreme Court's Use of Dictionaries in Statutory and Constitutional Interpretation (1994)).

2. In a court of record, a judge has no discretion. Discretion is reserved to the independent tribunal. When the word "law" is used without qualification, it means common law. An "attorney at law" means one who practices common law. (notwithstanding the fact that modern attorneys ignore the subject). An "attorney in equity" is one who practices before an equity court.

3. Absolute Judicial immunity is a myth. A Judge does not have absolute immunity. Judicial immunity does not apply when the following conditions exist:

- a. when he is performing a non-judicial act, or
- b. when he acts in the complete absence of all jurisdiction.

4. Statutes are expressions of will from the legislature. To maintain confusion, Bar members append the word "law" to it. Naturally, one is supposed to then believe that statutory law is the same as and equal to common law (it isn't!). There is no legislative foundation for any Bar member to "practice" law.

5. Codes are nothing more than a collection of statutes and other rules arranged by subject instead of being arranged by date. Law beats statutes; statutes beat codes.

6. The California 1879 Constitution defines all California courts to be courts of record.

7. Commonwealth of Pennsylvania maintains confusion and deception with multiple versions of its Constitution. Commonwealth of Pennsylvania has had five versions of constitutions 1776, 1790, 1838, 1874, and 1968. See John J. Kennedy, Pennsylvania Government and Politics, 1st Edition, Cognella publisher, 2018. Chapter 3, pages 79 to 90. )

8. "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law," (Preamble - Universal Declaration of Human Rights)

9. Nisi Prius is defined as: "a court where civil actions are tried by a single judge sitting with a jury, as distinguished from an appellate court." This means the nisi prius court is a Trial Court which of course is where the facts of a case are discovered. A nisi prius court is a "court of no record," but a record is kept in a trial court. The mere keeping of a record does not qualify any court to be a court of record.

10. Black's Law Dictionary, Fifth Edition, contributes to the confusion by listing only two of the four requirements for a court to qualify as a court of record. For the full explanation, see <https://www.1215.org/lawnotes/lawnotes/courtrec.htm>.

11. In California, all courts are named as courts of record. However, if in an individual case they are not operated as courts of record, then they don't qualify as such. It takes more than a name to make a court of record. Even though a court may be keeping a record, it is a court of no record if it does not conform to the remaining three requirements for a lawful court of record.

## Exhibit 1 LAW OF THE CASE

12. A court of record is a court which must meet the following criteria:

1. generally has a seal
2. power to fine or imprison for contempt
3. keeps a record of the proceedings
4. proceeding according to the common law (not statutes or codes)
5. the tribunal is independent of the magistrate (judge)

Note that a judge is a magistrate and is not the tribunal. The tribunal is either the sovereign himself, or a fully empowered jury (not paid by the government).

13. Black's Law Dictionary's omissions are subtle but one can recombine the information and get to the real meaning of terms such as "nisi prius".

14. "Nisi prius" is a Latin term. Individually, the words mean thus: "Prius" means "first." For example, "Prius vitiis laboravimus, nunc legibus" means "We labored first with vices, now with laws." Quoted from Black's Law Dictionary, Fifth Edition. "Nisi" means "unless." Quoting from B.L.D., 5th Ed.: "The word is often affixed as a kind of elliptical expression, to the words 'rule,' 'order,' 'decree,' 'judgment,' or 'confirmation,' to indicate that the adjudication spoken of is one which is to stand as valid and operative unless the party affected by it shall appear and show cause against it, or take some other appropriate step to avoid it or procure its revocation."

15. "Nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

16. It is a matter of right that one may demand to be tried in a court of record. By sheer definition, that means that the court must proceed according to the common law (not the statutory law). The only way that a court can suspend that right is by the prior agreement of the parties.

17. For tactical reasons, Commonwealth of Pennsylvania and/or the state and/or State, prefers to proceed according to statutory law rather than common law. The only way it can do that is to obtain the prior agreement from the parties. That is the primary (but hidden) purpose of the arraignment procedure.

18. During arraignment choices for pleading are only guilty, not guilty, nolo contendere, but all three choices lead to the same jurisdiction, namely a statutory jurisdiction, not a common law jurisdiction. That is to say, the question to be decided is whether or not the statute was violated, not whether the common law was violated.

19. The dictionary does not lie in its definition of a nisi prius court but it does omit some important information. Namely, that it is a court that has been set up by prior agreement assumed because when the three statutory options [guilty, not guilty, nolo contendere] were presented to the defendant he chose one. He thus failed to enforce his right to be prosecuted in a court of record.

20. Once the agreement (as evidenced in the arraignment proceeding) has been secured, the court proceeds under statutory authority. Now the court ceases to be a court of record and becomes a court of no record by prior lack of objection, i.e. by prior agreement implied by failure to object.



## Exhibit 1 LAW OF THE CASE

21. Naturally, after securing the agreement, a nisi prius court can move on to examine the facts with a judge and jury, etc. etc.

22. The criminal court is an inferior court because it is operating according to special rules (criminal code) and not according to the common law. Even if its name is "Superior Court of ....." it is still an inferior court so long as it is operating according to some code or statutes rather than the common law. On the other hand, a court of record, so long as it meets the criteria, is a true superior court. *The decisions and proceedings of an inferior court are not presumed to be valid.* The inferior court can be sued in a superior court (that's called a "collateral attack"). In other words, the superior court (court of record) out ranks the inferior court not of record."

23. Government Manipulation of Language. The first "trick" of the Government is the re-definition of certain critical words in each Statute (Act) The Government assumes the ordinary meaning of the word so as to trick the public into reading and interpreting the Statute in their favour. Here is a summary of some of the Trick Words. Two keywords that are re-defined in almost every Statute are the words "person" and "individual". There are at least two "person" in law: A natural-person is a legal entity for the human-being.

An artificial-person is a legal entity that is not a human being. (Here are the exact definitions from Barron's Canadian Law Dictionary, fourth edition (ISBN 0-7641-0616-3): natural person. A natural person is a human being that has the capacity for rights and duties. artificial person. A legal entity, not a human being, recognized as a person in law to whom certain legal rights and duties may attached - e.g. a body corporate.)

24. The natural-person has the "capacity" (i.e. ability) for rights and duties, but not necessarily the obligation. The artificial-person has rights and duties that may be attached (i.e. assigned) by laws.

25. The second "trick" of the Government is to use the Interpretation Act to define words that apply to all Statutes, unless re-defined within a particular Statute. Without this knowledge, one could assume the ordinary meaning for the words one is reading, not realizing that they may have been defined by the Interpretation Act. Unless these words have been re-defined in another Statute, the underlying definitions for the two most important words still apply, either from the Interpretation Act, or the Canadian Law Dictionary. Basically, they are defined as follows:

- a. from the Canadian Law Dictionary one can find that:  
individual means a natural person,
- b. from the Income Tax Act find the re-definition:  
individual means an artificial person.
- c. from the Canadian Law Dictionary find that:  
person means an individual (natural person) or incorporated group (artificial person),
- d. from the Interpretation Act find the re-definition:  
person means a corporation (an artificial- person),
- e. from the Income Tax Act find the re-definition again:  
person means an artificial person (amongst other things).

## Exhibit 1 LAW OF THE CASE

26. In the Canadian Human Rights Act, one can see how individual and person are used and how they are applied to natural and artificial persons.

27. The third "trick" of the Government is to use the word "includes" in definitions instead of using the word "means". They do this in some critical definitions that they want misinterpreted. If they used "means" instead of "includes" then their deception would be exposed, but by using "includes" they rely upon the reader to assume that "includes" expands the definition, whereas in reality it restricts the definition in the same manner that "means" restricts the definition.

28. Here is a means definition of the word "person" from the Bank Act:  
person means a natural person, an entity or a personal representative;

29. Here is an includes definition of the word "person" from the Interpretation Act:  
person, or any word or expression descriptive of a person, includes a corporation  
To expose their deception, substitute the word means or any word or expression descriptive of a person, means a corporation (viz. artificial-person)

30. Both "means" and "includes" are restrictive in scope because they only encompass part of the whole. Typically they are used in the following form:  
person means A or B or C (and nothing else).  
person includes A and B and C (and nothing else).

31. From the above example, one sees the logical difference. The list that follows means is constructed using "or", whereas the list that follows includes is constructed using "and".

32. There is a Legal Maxim that supports the restriction of "includes" which is as follows: *Inclusio unius est exclusio alterius*. The inclusion of one is the exclusion of another. The definition of the word include is key to understanding the potential loss of the natural-person. This is the major trick used by the Government in an attempt to take away natural-person rights. Unless this is known one voluntarily forfeits rights.

33. The fourth "trick" of the Government is to modify how the word "includes" is used in order to make an expansion in the definition when such expansion is required. This "trick" helps add confusion to the use of "includes" convincing most readers that "includes" should always be expansive rather than limiting. Here are some legitimate ways in which "includes" is modified to become expansive rather than restrictive:

- also includes
- and includes
- includes, without limitation,
- including
- including but not limited to

34. The expansive definitions usually take the following form:  
person means A or B or C and includes D. (A,B, C and D). However, there is also a possibility that "and includes" is restrictive in some constructions. There are some people investigating this possibility right now. Their logic is demonstrated by the following example of a definition that states: province means a province of Canada and includes Ontario and Quebec.  
So, if one presumes that "and includes" does provide expansion then one must ask why Ontario and Quebec had to be specifically mentioned when they are already part of a so-called province.

## Exhibit 1 LAW OF THE CASE

35. The above construction clearly defines the scope of what is meant by province, that is a province of Canada (it does not say which one), and includes only Ontario and Quebec (compiled from a list of two from the original scope of all provinces). In this construction means provides the scope of the definition and includes provides the list of what is actually included in the definition.

36. The foregoing analysis is one interpretation, but is not the only interpretation. The use of "includes" in statutory definitions can be argued both ways and is the backbone of understanding interpretations.

37. With the presumption that "and includes" is restrictive, then we must take a very close look at the following definition, taken from the Interpretation Act:  
province means a province of Canada and includes the Yukon Territory, the Northwest Territories and Nunavut .

38. With this presumption what is stated is: unless another statute re-defines province, the default definition of province only includes the Yukon Territory, the Northwest Territories and Nunavut.

39. So in order to not become absurd, we must allow for "and includes" to be expansive, however more work needs to be done on this subject before placing the last nail in the coffin, so to speak.

40. Barron's Canadian Law Dictionary does not provide definitions for "include" or "means" therefore we have to look in the next source for the definitions.

41. From Black's Law Dictionary, fourth edition, here is the definition for the word "include":

include. To confine within, hold as in an inclosure, take in , attain, shut up, contain, inclose, comprise, comprehend, embrace, involve. Including may, according to context, express an enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included within general words heretofore used.

inclose. To surround; to encompass; to bound; fence, or hem in, on all sides.

It is stated in the above definition that the verb include is clearly restrictive and only has limited scope. On the other hand the participle, including (but not limited to) enlarges the scope.

42. Therefore the conclusion is that when used in a definition, include does not expand the existing definition of the word it is attempting to define.

43. It is easy to be confused because one naturally assumes the existing definition of the word, then assume include means to add this new interpretation to the existing assumed definition of the word. Our assumptions fail us in this case.

44. For the Doubting Thomas: If one looks into any statute, one will be able to find a definition that uses the word includes and attempts to broaden the scope of that word to include the ordinary meaning, finda that the statute will break down because it will not be able to support the inclusion of the ordinary meaning of the word.

45. The breakdown usually occurs when slavery is invoked.

46. Courts may be classified and divided according to several methods, the following being the more usual: COURTS OF RECORD and COURTS NOT OF RECORD.



## Exhibit 1 LAW OF THE CASE

47. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal.

48. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. See 3 Bl. Comm. 24; 3 Steph. Comm. 383; *The Thomas Fletcher*, C.C.Ga., 24 F. 481; *Ex parte Thistleton*, 52 Cal 225; *Erwin v. U.S.*, D.C.Ga., 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231.

49. A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. See *Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y.

50. CONFIRMATIO CARTARUM, October 10, 1297, By Edward, King of England, reaffirms that the Magna Carta may be pleaded as the Common Law before a court. This links the Magna Carta to the Common Law. The U.S. Constitution guarantees one's access to the Common Law, i.e. the Magna Carta. ( See "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation; distributed by Associated College Presses, 32 Washington Place, New York 3, New York.).

51. The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4).

52. No state may join the United States unless it is a Republic. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy.

53. The definition of sovereignty retains the meaning it had at the time the US Constitution was formed. Who is the Tribunal? Answer: The sovereign, the ultimate Judge.

54. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp 471-472.]

55. The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]

56. Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]

57. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Scherer v. Cullen, 481 F 946.]

58. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the

## Exhibit 1 LAW OF THE CASE

people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]

59. The Commonwealth of Pennsylvania is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.see Pennsylvania Constitution, all versions.

60. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]

61. Conspiracy against rights: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 241]

62. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 242]

63. COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

64. COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times

## Exhibit 1 LAW OF THE CASE

and places previously determined by lawful authority. [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

65. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:

A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]

D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

E. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

66. The following persons are magistrates: ...The judges of the superior courts.... [California Penal Code, Sec. 808.] ...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law.... [Confirmatio Cartarum, November 5, 1297, *Sources of Our Liberties* Edited by Richard L. Perry, American Bar Foundation]

67. Henceforth the writ which is called Praeipe shall not be served on any one for any holding so as to cause a free man to lose his court. [Magna Carta, Article 34].

68. If any claim, statement, fact, or portion in this action is held inapplicable or



## Exhibit 1 LAW OF THE CASE

*not valid, such decision does not affect the validity of any other portion of this action.*

69. The singular includes the plural and the plural the singular.

70. The present tense includes the past and future tenses; and the future, the present.

71. The masculine gender includes the feminine and neuter.

72. We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

73. We the people of this state do not yield their sovereignty to the agencies that serve them.

74. Through the courts, Plaintiff encourages the government to obey the law.

75. Edward Thomas Kennedy, Plaintiff, is one of the people and in the court of record, wishes and demands individual defendants, and/or their counsel, to reply and testify, affirm, and/or declare under penalty of perjury to his complaint.

## Exhibit 2

### Attachments:

Exhibit 1 Law of the case.

Exhibit 2 No Lawful Bench Warrant.

Exhibit 3 No Bond or Oath by Hanna in his true legal name.

Exhibit 4 Saylor Refused Letter and Complaint.

Exhibit 5 Order by Arbuckle and Mannion.

May. 1. 2017 3:19PM State Police Pottsville

No. 5773 P. 6

Commonwealth of Pennsylvania  
Court of Common Pleas  
County of Schuylkill  
21st Judicial District



**Bench Warrant  
Failure to Appear**

Schuylkill County Clerk of Courts  
401 North Second Street  
Pottsville, PA 17901  
PH: 570-528-1288

Commonwealth of Pennsylvania  
v.  
Edward Thomas Kennedy

APR 12 2017  
SCHUYLKILL COUNTY, PA  
CLERK OF COURTS OFFICE

Citation/Complaint No: 2017 0060

Docket No: CP-54-CR-0000293-2017

Warrant Control No: 54-BA-0000368-2017

Manual Control No:

Charging Officer: Philip C. Petrus, Frackville Boro Police Dept

Lead Offense: 18 § 2709 §§ A7 Harassment - Comm. Repeatedly In Another Manner (Held for Court)

Issued For: Edward Thomas Kennedy

QTN: T 882209-6 SID:

Date Citation/Complaint Filed: 01/12/2017

NCIC OFF: FAILURE TO APPEAR - SEE MIS.

OGC:

Warrant ID: CPCMS702722461

AND NOW, this 12th day of April, 2017, the Sheriff of Schuylkill County, or any other police officer, is hereby ORDERED to convey and deliver Edward Thomas Kennedy, residing at 1808 Leithsville Rd Pmb 240 Hellertown, PA 18055, into the custody of the Court of Common Pleas of Schuylkill County, at Schuylkill County Courthouse 401 North Second Street Pottsville, PA 17901 for a hearing. If the Court is unavailable, the individual may be held in the County Jail until the Court is opened for business, at which time the individual shall be promptly conveyed and delivered into the custody of the Court.

The authority in charge of the County Jail in which the party is incarcerated shall promptly notify the sheriff's office and the Court that the individual is being held pursuant to the bench warrant.

This warrant is issued because the defendant failed to appear at Magisterial District Judge Christina E. Hale's Office on February 21, 2017 for a preliminary hearing. The defendant's bail shall be forfeited.

Pursuant to Pa.R.Crim.P. 150(A)(5)(b), the individual shall not be detained in the County Jail without a hearing on this bench warrant longer than 72 hours, or the close of the next business day, if the 72 hours expires on a non-business day.

Certified from the records  
this 12th day of April, 2017

Clerk of Courts

SEAL OF THE CLERK OF COURTS

Maria C. Cerone

Pottsville, Schuylkill County PA

My Commission Expires 1st Monday of 2020

BY THE COURT:

Judge William E. Baldwin



CP-54-CR-0000293-2017



54-BA-0000368-2017



Edward Thomas Kennedy

## Exhibit 3

### Attachments:

Exhibit 1 Law of the case.

Exhibit 2 No Lawful Bench Warrant.

Exhibit 3 No Bond or Oath by Hanna in his true legal name.

Exhibit 4 Saylor Refused Letter and Complaint.

Exhibit 5 Order by Arbuckle and Mannion.

RECORDED  
01/04/2016 8:55:39 AM  
RECORDER OF DEEDS  
LEHIGH COUNTY  
PENNSYLVANIA  
Inst Num: 2016000009

Commonwealth of Pennsylvania



## Governor's Office

**Joe Hanna**

of the County of

**Lehigh**

in the Commonwealth of Pennsylvania

### Greetings:

Whereas, It appears by the certificates and returns made according to law, that you have been duly elected Sheriff.

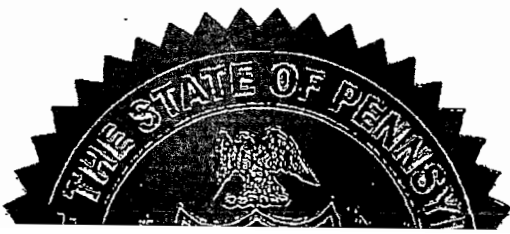
Therefore, Know Ye, That in conformity to the provisions of the Constitution and Laws of the said Commonwealth in such case made and provided, I do by these presents commission you to be

### Sheriff

of the County aforesaid. Hereby committing the said county with the appurtenances and peace within the same, to your care and defense, authorizing and commanding you to do and perform all the several acts and things in the said county that to the office of Sheriff, according to the laws of the said Commonwealth, do in anywise belong.

To Have and To Hold the said office, together with all the rights, powers and emoluments thereunto belonging or by law in anywise appertaining for the term of four years to computed from the first Monday of January, two thousand and sixteen and until your successor shall be duly qualified, if you shall so long behave yourself well.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-fourth of December in the year of our Lord, two thousand and fifteen and of the Commonwealth the two hundred and fortieth.



*Tom Wolf*

Governor

**ANDREA E. NAUGLE**  
**LEHIGH COUNTY CLERK OF JUDICIAL RECORDS**



Recorder of Deeds Division  
Deborah A. Casciotti, Chief Deputy  
Lehigh County Courthouse  
455 W. Hamilton Street - Room 122  
Allentown, PA 18101-1614  
(610) 782-3162

**\*RETURN DOCUMENT TO:**  
JOE HANNA

**Instrument Number - 2016000009**

Recorded On 1/4/2016 At 8:55:39 AM

\* Instrument Type - ELECTED OFFICIAL COMMISSION AND BOND

Invoice Number - 259232 User ID: LJS

**\*Total Pages - 2**

\* Grantor - PENNSYLVANIA COMMONWEALTH OF

\* Grantee - HANNA, JOE

\* Customer - JOE HANNA

**\* FEES**

TOTAL PAID \$0.00

I hereby CERTIFY that this document is  
Recorded in the Recorder of Deeds Office  
of Lehigh County, Pennsylvania



*Andrea E. Naugle*

Andrea E. Naugle  
Clerk of Judicial Records  
Recorder of Deeds Division

THIS IS A CERTIFICATION PAGE

**Do Not Detach**

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

\* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

**INSTRUMENT NUMBER - 2016000009**



## Exhibit 4

### Attachments:

Exhibit 1 Law of the case.

Exhibit 2 No Lawful Bench Warrant.

Exhibit 3 No Bond or Oath by Hanna in his true legal name.

✓ Exhibit 4 Saylor Refused Letter and Complaint. *2 pages*

Exhibit 5 Order by Arbuckle and Mannion.

Edward Thomas Kennedy  
401 Tilling Rd.  
Brierleysville, PA 18031

21

**CERTIFIED MAIL**



7017 1450 0002 3201 8528



1000



17106

U.S. PA  
BREI  
180  
MAY  
AM  
\$  
R2305

RETURN RECEIPT  
REQUESTED

*Refused*

Thomas G. Saylor

Pennsylvania Judicial Center

601 Comm

P. O. Box

*Harrisburg*

NIXIE

176 CC 1

2205/09/18

RETURN TO SENDER

REFUSED

UNABLE TO FORWARD

EC: 18031180001

\*2119-01000-001-00

POSTAGE  
PAID  
JIGSVILLE, PA  
131  
2.18  
COUNT  
**6.70**  
K137298-05

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Thomas G. Smylor  
Perry Indian Center  
601 Commonwealth Ave  
PO Box 6262, Suite 5200  
Harrisburg PA 17106-2625



9590 9402 2595 6336 3016 32

## 2. Article Number (Transfer from service label)

7017 1450 0002 3201 8528

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

~~Chris Tomlinson~~☐ Agent☐ Addressee

B. Received by (Printed Name)

MAY 07 2018

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

(9590)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

## Exhibit 5

### Attachments:

Exhibit 1 Law of the case.

Exhibit 2 No Lawful Bench Warrant.

Exhibit 3 No Bond or Oath by Hanna in his true legal name.

Exhibit 4 Saylor Refused Letter and Complaint.

✓ Exhibit 5 Order by Arbuckle and Mannion. 2 pages

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,	)	CIVIL ACTION NO. 3:18-cv-0777
Plaintiff	)	
	)	(MANNION, D.J.)
v.	)	
	)	(ARBUCKLE, M.J.)
ROBERT EVANCHICK, <i>et al.</i> ,	)	
Defendants	)	

ORDER

On April 10, 2018, Plaintiff filed a complaint (Doc. 1) alleging a violation of his rights and designating his complaint as a Federal Question involving Racketeer Influenced and Corrupt Organizations on his Civil Cover Sheet (Doc. 1-1). Contemporaneously with the complaint he filed a Motion to Proceed *in forma pauperis* (Doc. 3). That motion is still pending with the court. Plaintiff has filed a Motion (Doc. 13) to compel service of process. Process will not be ordered to be served until the IFP Motion is reviewed and screened in accordance with our standard procedure.

This Court has an on-going statutory obligation to conduct a preliminary review of *pro se* complaints brought by plaintiffs given leave to proceed *in forma pauperis* in cases which seek redress against government officials. See 28 U.S.C. § 1915(e)(2)(B)(ii). Thus, in this case we are obliged to review the complaint to determine whether any claims are frivolous, malicious, or fail to state a claim upon which relief may be granted. This statutory text mirrors the language of Rule

12(b)(6) of the Federal Rules of Civil Procedure, which provides that a complaint should be dismissed for “failure to state a claim upon which relief can be granted.” Fed. R. Civ. P. 12(b)(6).

Should the Plaintiff want to expedite the case he can pay the filing fee and proceed with service. Otherwise the Court will address his IFP motion in due course and enter an appropriate order.

Fore the foregoing reasons, the Motion to Compel Service of Process is DENIED.

Date: August 3, 2018

BY THE COURT

s/William I. Arbuckle  
William I. Arbuckle  
U. S. Magistrate Judge